JUSTICE Actualités Report

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JUSTICE Actualités Report

JUSTICE REPORT carries information of value to Association readers and the public interested in matters related to the administration of justice in Canada. Opinions expressed in this publication do not necessarily reflect the Association's views, but are included to encourage thought and action on the criminal justice system throughout Canada. For more information on the activities of the CCJA, please contact:

ACTUALITÉS-JUSTICE renferme des renseignements utiles aux lecteurs de l'Association et au public qui s'intéressent aux questions relatives à l'administration de la justice au Canada. Les opinions qui sont exprimées ne reflètent pas nécessairement les vues de l'Association, mais y figurent afin d'encourager à réfléchir et à agir sur la justice pénale dans tout le Canada. Pour obtenir de plus amples renseignements sur les activités de l'Association, veuillez communiquer avec:

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The Policy Review Committee

The Government's "tough on crime" approach kept the Policy Review Committee (PRC) on its toes, as it attempted to address the plethora of crime control bills racing through the House last year. The Canadian Criminal Justice Association's PRC committee has a regular attendance of between 10 and 15 members, including students, practitioners, members of the CCJA Board and academics. Its role is to keep a watchful eye on emerging crime legislation in the House of Commons. It discusses these bills in committee meetings and responds to them by preparing briefs that are presented to the Standing Committee of Parliament either in writing, and/or by testifying before said committee. Its aim is to provide well-balanced and well-researched opinions on the probable efficacy of criminal justice bills before the House, in the hopes of providing much-needed expertise to legislators and possibly influencing the outcome of legislation.

In October 2009, there were no fewer than eleven bills before the House that concerned myriad topics ranging from controlled substances to conditional sentences. All of these bills had the aim of restricting or undoing laws in effect that, in some cases, were beneficial to offenders, and kept society safe.

The three month prorogation of Parliament starting last December had the fortunate by-product of wiping the slate clean of the bills before the House. We suspect however that these will slowly be reintroduced one by one. In fact, as this went to press, C-4 and C-5 have been reintroduced seeking to amend the Youth Criminal Justice Act, and the International Transfer of Offenders Act, respectively. In addition, the bill to curtail conditional sentences (C-42) has recently re-emerged as C-16; and the *Serious Time for the Most Serious Crime* C-36 is re-introduced as S-6 which essentially abolishes the judicial review process (commonly known as the "Faint Hope Clause") for life-sentenced prisoners whose offense is committed subsequent to the coming into force of the Bill.

This has had the effect of keeping the Policy Review Committee extremely busy preparing briefs to the Standing Committee on Justice and Human Rights of the House of Commons. Prior to prorogation, the PRC was working on a set of briefs including one concerned with the bill aimed at further restricting Conditional Sentences, another seeking to eliminate Accelerated Parole Reviews, and a third destined to do away with the Faint Hope Clause. As previously mentioned, while prorogation effectively ended the process of enacting this legislation, many of these bills, it is felt, will re-emerge in Parliament at some point. It is with this in mind that the PRC continues to finalize those briefs destined to contribute to the debate that began prior to prorogation.

On C-42 which has become C-16, destined to curtail the use of conditional sentences, the PRC disagrees. The conditional sentence was introduced in 1996 in response to the 1987 Daubney Report and the Canadian Sentencing Commission call in 1987 to find alternatives to incarceration for those whose conviction would have led to a sentence of less than two years. Rather than being imprisonned, the conditional sentence allows the offender to remain in the community under court-mandated conditions. The effect of this measure led to a decline of 13% in the rates of incarceration. In other words, 55,000 offenders who would otherwise be incarcerated, served their sentences in the community. This bill seeks to expand the list of offences, thereby precluding more offenders from being considered for a conditional sentence. The CCJA

opposes this because it maintains that offenders are more likely to respond positively to a conditional sentence than incarceration; because conditional sentences are an effective low cost sanction that saves considerable tax dollars; because it is congruent with the Criminal Code's directive to use the least restrictive measures; and because it is beneficial to the Canadian Aboriginal population which is disproportionately incarcerated.

The Brief recommends that the use of conditional sentences be increased, and not decreased; that more funding be made available to monitor and support offenders serving conditional sentences and to increase the public's awareness of the benefits of conditional sentencing.

The Government also drafted bill C-53, to eliminate Accelerated Parole Releases. Once again the Policy Review Committee has come out against this measure, citing the benefits of APR to first-time federal non-violent offenders, the considerable economic benefits to the taxpayer, and the decreased congestion in the penitentiaries. The PRC has analyzed the statistics and concluded that persons benefitting from Accelerated Parole Release do not have a much higher rate of failure than other offender categories. Mega-fraudsters like Earl Jones or members of proscribed organizations, the committee concedes, should not have access to this measure. However, it is best to specify this in the law and not throw out the "baby with the bath water", by eliminating APR altogether. Lastly, some felt that it was important that a panel convene in order to review APR requests, since currently there are no such provisions.

Again, prior to prorogation, C-36 was introduced to restrict the Faint Hope Clause for life-sentenced prisoners. This has been re-introduced in the Senate as S-6. The PRC is in favour of maintaining Section 745 (Judicial Review) for the following reasons. In the first instance, the abolition of capital punishment in 1976 led to a hardening of parole ineligibility from 10 years to 25 years. This measure was characterized by some as a "death in life" sentence, and therefore it was seen as humane to give lifers hope to gain earlier parole eligibility by going before a judicial review after 15 years. The negative psychological effects of long-term incarceration are well documented in the literature. Principles of rehabilitation encourage the notion of giving hope to a life-sentenced prisoner, and of those who have benefitted from earlier parole eligibility following a judicial review, the vast majority have successfully reintegrated society (Public Safety, 2009).

With this new Bill, the government not only seeks to bar future offenders from benefitting from a judicial review, but seeks to restrict the window of opportunity to apply for a judicial review to ninety (90) days after the prisoner has served fifteen (15) years, for those who are still eligible. In addition, the proposed language in 745.61 changes from the applicant showing a "reasonable prospect" that the application will succeed, to a "substantial likelihood" that it will be successful. If the application fails, the Bill specifies a five-year period before which time a life-sentenced prisoner may re-apply compared to a two-year period under the current Act. For the reasons cited above, the Policy Review Committee will present a brief arguing for the status quo to remain in force.

The Policy Review committee keeps close tabs on the House of Commons and notes the relevant legislation that is in the pipeline. Stacey Hannem of Wilfrid Laurier University chairs the PRC, and Matt Yeager of the University of Western Ontario acts as Secretary. The membership of the committee includes Willie Gibbs, the former Chair of the National Parole Board, John Braithwaite (CCJA Board), Roland LaHaye (CCJA Board), Mihael Cole (CCJA Board), Tim Stuempel, Lynn Smith, CCJA President Hugh Osler, Gil Rhodes (CCJA Board), Brian Smegal (OCJA President), Michel Gagnon (CCJA Board), Executive Director Irving Kulik and Claire Delisle.

Those interested in participating in the PRC, and those who have expertise to lend to the PRC in specific areas are encouraged to come forth.

References

Public Safety (2009). Corrections and Conditional Release Statistical Overview, p. 105

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April 21, 2010

The Honourable Robert Nicholson, P.C., M.P.
Minister of Justice
House of Commons
Ottawa, Ontario
K1A 0A6

The Honourable Vic Toews, P.C., M.P.
Minister of Public Safety
House of Commons
Ottawa, Ontario
K1A 0A6

Re: Bill C-25

Dear Ministers,

We are writing today regarding the enactment of Bill C-25, the act that limits credit for time spent in pre-sentence custody.

We must state that our Association opposed this legislation, the outcome of which will be to increase the amount of time offenders will spend incarcerated, without any necessary improvement to public safety. Further, it is also likely that the costs of imprisonment will increase substantially, in particular for the Correctional Service of Canada, at a time when governments are struggling with burgeoning debt.

This having been said, we need to focus on the next stage and we propose that measures be quickly put in place in order that we may learn whether this legislation meets its intended outcomes. We suggest that a research project be established with a university in order to empirically study the effects of C-25. The Canadian Criminal Justice Association would be pleased to assist at any stage of the study.

We are all aware of the continuing growth of the provincial and territorial remand populations.

While there is little doubt that this problem is often related to the lack of adequate court resources, a common hypothesis holds that defence counsel purposely cause delays in order to increase the eventual credit at sentencing. It is time that hypotheses be put to the test in a rational transparent fashion.

We propose that, at a minimum, the following questions be put to the researchers:

a) By increasing the net sentence length we should expect that sentences just short of 24 months will become federal sentences of two years or more. Therefore, how many additional offenders are admitted to the Correctional Service of Canada each year as a result?

b) Increasing sentence length will also mean that provincial sentence lengths will increase. By extension, will there be an increase in the provincial sentenced populations?

c) If this legislation acts as an incentive to offenders stalling in provincial pre-sentence custody, then removing the 2:1 credit should reduce the provincial remand populations quite quickly as word gets around. Thus, what is the actual reduction in the provincial remand populations?

d) Conversely, one could argue that removing the 2:1 credit increases the risk of a lengthier sentence after conviction. This would lead to more trials and fewer guilty pleas, which could actually increase the remand population. What are the total remand population numbers and is there any change in the number of guilty pleas as a proportion of charges and as a percentage of all convictions.

e) If the legislation is intended to smooth out court congestion, we need to track whether indeed cases are being processed more quickly . How does the post-legislation courts backlog compare to previous years?

f) If provincial remand populations do decrease, will the provinces use some of the savings to invest in additional judges, legal aid and court rooms?

g) If judges were taking the 2:1 credit into account, perhaps subconsciously, when sentencing individuals, how will their sentencing practices differ now? In other words, will we be seeing shorter sentence patterns?

While we recognize that this list is not exhaustive and that pre-legislation data may not be readily available, we believe it is certainly in the interests of public policy and good government to pursue these questions as best can be done. Ultimately the government will set in place an evaluation structure that will serve it well in communicating its objectives and results with the Canadian public.

Ministers, as always we are available to discuss this issue with your staff and assist in any way we can.

Sincerely,

Hugh Osler

President

Canadian Criminal Justice Association

Association canadienne de justice pénale

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Le 21 avril 2010

L'honorable Robert Nicholson, C.P., député
Ministre de la Justice,
Chambre des communes
Ottawa (Ontario) K1A 0A6

L'honorable Vic Toews, C.P., député
Ministre de la Sécurité publique
Chambre des communes
Ottawa (Ontario) K1A 0A6

Objet : Projet de loi C-25

Messieurs les Ministres,

Nous vous écrivons aujourd'hui en rapport avec la promulgation du projet de loi C-25, loi limite l'octroi de crédits de détention provisoire avant la détermination de la peine.

Nous vous informons d'entrée de jeu que notre Association est opposée à cette loi qui aura pour résultat de prolonger la durée de l'incarcération d'un délinquant, sans améliorer pour autant la sécurité du public. En outre, il est probable qu'il en résultera une augmentation substantielle des coûts de l'incarcération, notamment pour le Service correctionnel du Canada, au moment même ou les gouvernements se démènent pour contrer une dette en pleine croissance.

Cela étant dit, il faut nous concentrer sur la prochaine étape et nous proposons que des mesures soient mises en place rapidement afin d'établir si cette loi atteint les résultats anticipés. Nous suggérons qu'un projet de recherche soit entrepris par une université reconnue dans le but d'étudier de manière empirique les effets du projet de loi C-25. L'Association canadienne de justice pénale serait heureuse d'apporter son aide à toute étape de la réalisation de cette étude.

Nous sommes tous conscients de la croissance constante des populations de prévenus dans les provinces et territoires. Bien qu'il ne fasse aucun doute que ce problème est fréquemment attribuable au manque de ressources judiciaires adéquates, une hypothèse est avancée par plusieurs voulant que les avocats de la défense retardent délibérément les procédures afin que leurs clients puissent profiter d'éventuels crédits de détention provisoire. Il serait temps de mettre cette hypothèse à l'épreuve d'une manière rationnelle et transparente.

Nous proposons que, à tout le moins, les questions suivantes soient soumises aux chercheurs :

a) En allongeant la durée nette des peines, on pourrait s'attendre à ce que les peines tout juste en deçà de 24 mois deviennent des peines fédérales de deux ans ou plus. Conséquemment, quel serait le nombre additionnel de détenus confiés au Service correctionnel du Canada annuellement?

b) L'allongement des peines entraînera aussi que les peines provinciales allongent. Découle-t-il de cela que le nombre des détenus augmentera dans les établissements provinciaux?

c) Si cette loi a un effet incitatif sur les délinquants qui essaient du gagner du temps en demeurant dans les centres de prévention provinciaux, le fait d'éliminer le crédit 2:1 devrait assez rapidement contribuer à une baisse de la population des prévenus, au fur et à mesure que cela se saura. Quelle serait donc la réduction réelle de la population des prévenus dans les établissements provinciaux?

d) À l'inverse, on pourrait aussi avancer que le fait d'éliminer le crédit 2:1 risque de contribuer à l'imposition de peines plus longues à la suite d'une condamnation. Cela contribuerait à une augmentation du nombre de procès et à une diminution des plaidoyers de culpabilité ce qui, du même coup, contribuerait à une augmentation du nombre de prévenus. Quel est le nombre total de la population des prévenus? Observe-t-on un changement quelconque du nombre de plaidoyers de culpabilité en proportion du nombre de mises en accusation et du pourcentage de toutes les condamnations?

e) Si cette loi vise à atténuer la congestion devant les tribunaux, il nous faut suivre la situation de près pour établir si, dans les faits, les causes se déroulent plus rapidement. Comment l'arriéré des tribunaux subséquent à l'adoption de cette loi se compare-t-il à celui des années antérieures?

f) Advenant que nombre de prévenus diminue concrètement, les provinces investiront-elles une partie des économies réalisées pour nommer plus de juges, pour améliorer l'aide juridique, et ajouter des salles d'audience?

g) Si les juges tenaient précédemment compte du crédit 2:1 au moment d'imposer une peine, peut-être inconsciemment,, comment leur approche de la détermination de la peine sera-t-elle affectée dorénavant?

Bien que nous reconnaissions que la liste ci-dessus ne soit pas exhaustive et qu'il pourrait être difficile d'accéder aux données antérieures à cette loi, nous croyons qu'il est certes dans l'intérêt des politiques publiques et du bon gouvernement de chercher à répondre le mieux possible à ces questions. En bout de ligne, le gouvernement mettra en place une structure d'évaluation, qui lui sera très utile pour communiquer ses objectifs à la population canadienne, de même que les résultats obtenus.

Sachez, Messieurs les Ministres, que comme toujours nous demeurons disponibles pour discuter de ces questions avec votre personnel et aider de quelque façon possible.

Je vous prie agréer l'expression de mes sentiments les plus distingués.

Hugh Osler

Président

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The Honourable Vic Toews, P.C., M.P.
Minister of Public Safety
House of Commons
Ottawa, Ontario
K1A 0A6

April 6, 2010

Dear Minister Toews,

On behalf of the Canadian Criminal Justice Association, we would like to bring to your attention a matter that requires significant correction.

On March 9, Janice Tibbetts of Canwest News Services quoted an e-mail from your spokeswoman, Christine Cversko, as stating "Releasing criminals onto our streets early has a much higher cost than keeping criminals behind bars." This is absolutely false, has no basis in reality and frankly will have a very harmful impact on the public's understanding of criminal justice in Canada.

While 'early' was not defined in Ms. Cversko's statement, we assume that it referred to some form of parole. Based upon our many decades of collective experience and research, we know that gradual supervised release with conditions, at the appropriate time, is far safer and more effective than release at the end of the sentence. Your own Department's statistics attest to this.

In 2008-2009, 73.4% of federal offenders completed their period of parole successfully. Of the 26.6% of failures, only 7.5% committed any crime. Indeed 19.2% failed because they breached their conditions of parole. Supervision brought them back to penitentiary while preventing the commission of any new crime, illustrating again the value of parole as a crime prevention program. Even those who were not granted parole and were released under statutory release with conditions and supervision, were successful in 60.3% of the time.

In terms of costs, we can quote your own Department's statistics, which show that the cost of keeping an individual in a federal institution in 2007-2008 was $101,666. In contrast, an offender supervised in the community cost $24,825, one quarter of the cost of incarceration!

While it is fair to debate different approaches to crime, we must always consider what has been shown to work effectively, as well as the costs. No system is perfect and certainly more can be done to raise the rates of successful, safe reintegration back into society. In the meantime however, let us not abandon our knowledge. From a public safety perspective, we should take great care not to undermine a system that has proven itself best able to keep communities relatively safe while returning individuals in a gradual and supervised fashion.

We would be glad to discuss this further with you or your staff at a time that is mutually convenient.

Respectfully yours,

Hugh Osler

President
Canadian Criminal Justice Association

Canadian Criminal Justice Association

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Le 6 avril, 2010

L'honorable Vic Toews, C.P., député
Ministre de la Sécurité publique
Chambre des communes
Ottawa (Ontario)
K1A 0A6

Monsieur le Ministre,

Au nom de l'Association canadienne de justice pénale, j'aimerais attirer votre attention sur une question qui exigerait des correctifs importants.

Le 9 mars dernier, Janice Tibbetts de Canwest News Services citait un courriel de votre porte-parole, Christine Cversko, selon lequel le fait de remettre des criminels en liberté de manière hâtive engendrait des coûts beaucoup plus élevés que leur maintien en incarcération. Cela est absolument faux et sans fondement et, pour être franc, aura une incidence très négative sur la compréhension du système de justice pénale dans la population.

Bien que le mot « hâtif » n'ait pas été défini dans la déclaration de Mme Cversko, nous présumons qu'il faisait allusion à une forme quelconque de mise en liberté sous condition. Notre expérience collective et nos recherches étalées sur de nombreuses décennies nous enseignent qu'une remise en liberté progressive, assortie de conditions et accordée au bon moment, s'avère beaucoup plus sûre et efficace qu'un simple élargissement à la fin d'une peine. Les statistiques de votre propre ministère le confirment.

En 2008-2009, les libérés conditionnels fédéraux ont complété leur libération conditionnelle avec succès dans une proportion de 73,4 % des cas; seulement 7,5 % ont commis un nouveau crime, alors que 19,2 % ont échoué en violant les conditions de leur mise en liberté. La surveillance exercée sur eux a eu pour effet de les ramener au pénitencier, tout en prévenant qu'ils commettent un nouveau crime, ce qui témoigne du même coup la valeur de la libération conditionnelle en tant que programme de prévention de la criminalité. Même ceux qui se sont vus refuser une libération conditionnelle et qui ont bénéficié d'une libération d'office assortie de conditions et de surveillance ont complété avec succès leur période de surveillance dans une proportion de 60,3 %.

Pour ce qui est des coûts, nous citerons les statistiques émanant de votre propre ministère, selon lesquels les coûts de maintien d'une personne dans un établissement fédéral se chiffraient à 101 666 $ en 2007-2008. En revanche, il n'en coûtait que 24 825 $ pour surveiller un délinquant dans la collectivité, soit le quart du maintien en incarcération!

Bien qu'il soit raisonnable de discuter de diverses approches à la criminalité, il nous faut toujours tenir compte des approches dont l'efficacité a été démontrée, de même que les

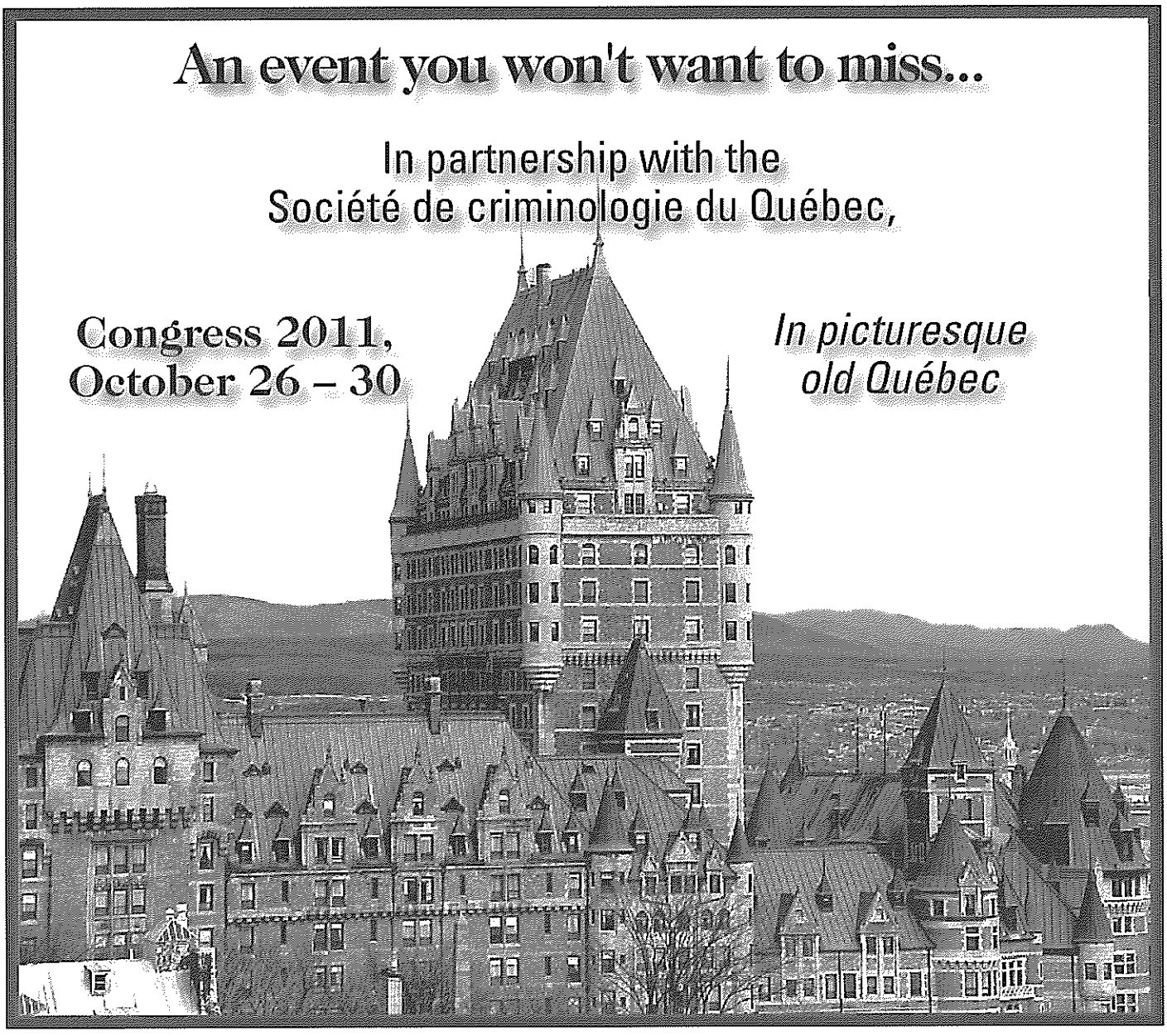
coûts. Aucun système n'est parfait et il est certes possible d'en faire davantage pour contribuer à des taux de succès accrus et à une réinsertion sociale sûre. Entre-temps, il ne faudrait pas faire fi de nos connaissances. D'une perspective de sécurité publique, il nous faut être très prudents de ne pas miner un système qui a clairement démontré sa capacité d'assurer la sécurité relative de la collectivité en assurant une réinsertion sociale progressive et sous surveillance de détenus.

Nous serions heureux de discuter plus à fond de cette question avec vous ou votre personnel à un moment qui nous conviendrait mutuellement.

Je vous prie d'agréer, Monsieur le Ministre, l'expression de mes sentiments les plus distingués.

Hugh Osler

Président
Association canadienne de justice pénale



Minister of Public Safety Ministre de la Securité publique

Ottawa, Canada K1A OP8

Mr. Irving Kulik
Executive Director
Canadian Criminal Justice Association
101 – 320 Parkdale Avenue
Ottawa, Ontario K1Y 4X9

January 15, 2010

Dear Mr. Kulik:

Thank you for your correspondence of December 9, 2009, concerning the closure of the Correctional Service of Canada's six farm operations.

I appreciate your interest in the operations of the Correctional Service of Canada and encourage such observations and opinion when making decisions that impact the future direction of the Correctional Service of Canada.

I would like to assure you that this government has carefully reviewed the documentation and rationale behind the decision to close the six farm operations over the next two years. The decision is final. It is clear that we would better serve offenders and our communities by offering training programs that focus on skills that lead to more jobs. I can assure you that the Government of Canada recognizes the valuable contribution of fanning to the Canadian economy. While there is no doubt that work on prison farm operations offers meaningful activity for offenders, the decision to close these operations was based on the need for offender training to be more appropriately aligned with the new vision for transforming federal corrections in Canada.

The prison farms are based on an agricultural model from an earlier era. Agriculture has changed. As in many other sec;tors of the economy, capital has replaced labour. As a result, over the last five years, only 99 of the 25,000 offenders released (less than one per cent) found work in the agriculture sector despite time spent on prison farms and the significant cost invested ($4 million annually) to operate these farms. It has been demonstrated that released offenders who find, and keep, suitable employment are significantly less likely to re-offend. As such, our objective must be to increase the employability of as many offenders as possible, based on which programs are most efficient. Currently, the top placements for all offenders involved in CORCAN employment programs are construction, warehouse operations, cleaners, and food services.

Although these farm operations will close, new training opportunities and alternative employment programs will be implemented at these minimum-security institutions. These new programs and activities will provide a broader array of employment opportunities to offenders beyond agriculture and will enhance the ability of offenders to obtain employment upon release.

Again, I cannot stress enough that the Government of Canada recognizes the valuable contribution of fanning to the Canadian economy, and the fact that prison farm operations offer meaningful activity for offenders is not in question. The decision to close fanning operations is based on a new vision of transforming the efficiency of federal corrections in Canada. For more information on our Transformation Agenda, I encourage you to visit our Web site at: http://www.csc-scc.gc.ca/textJorganiltrnsform-eng.shtml.

Thank you again for writing.

Yours sincerely,

The Honourable Peter Van Loan, P.C., M.P.
Minister of Public Safety

National Security Accountability and the Right to Know

By Mike Larsen

Doctoral Candidate at York University, Department of Sociology and researcher at the York Centre for International and Security Studies. Mike has previously published "Incarcerating the Inadmissible: KIHC as an Exceptional Moment in Canadian Federal Imprisonment," Number 45 in the YCISS Working Paper Series. His doctoral research deals with the governance of security through the fostering of vigilance in a post-September 11 context.

In Canada, the responsibility for national security accountability is vested in a number of different institutions, each with its own mandate, resources, and powers. Generally speaking, these bodies are tasked with providing review, oversight, and / or a public complaints function in relation to a single agency.

Some agencies involved in security practices – for example, the Canada Border Services Agency – have no review or oversight mechanism whatsoever, while others, like the Canadian Security Intelligence Service, have established review bodies with recognized track records. The RCMP's accountability apparatus has been the focus of sustained and well-deserved criticism, and it remains to be seen whether the $8 million over two years allocated to its reform in the 2010 budget will address the serious deficiencies it faces. Considered as a whole, the Canadian national security accountability architecture appears uneven, insufficiently-integrated, and full of gaps.

The issue of accountability reform comes up often when security practices are debated at meetings and conferences, and there are a number of reports with recommendations in circulation, including Commissioner O'Connor's report *A New Review Mechanism for the RCMP's National Security Activities* and the detailed 2009 *Accountability in and for National Security* policy paper prepared by Reg Whitaker and Stuart Farson. [1] These reports discuss changes that can be made to enhance the existing institution-specific review bodies, reforms to bring some form of accountability to agencies that are currently without review or oversight bodies of their own, and ideas for establishing 'statutory gateways' or integrated frameworks that will allow for coordinated multi-agency reviews. They also reflect on the central role that Parliament plays – or should play – in the provision of national security accountability.

These are unquestionably important areas for reform, and there is clearly a need to update and integrate the mechanics of the national security accountability architecture. The recent history of security-related scandals – involving the sharing of questionable intelligence, the involvement of officials

in the torture of Canadians detained abroad, the misrepresentation of intelligence in security certificate proceedings, the unlawful transfer of detainees facing probable torture, and the repeated use of 'national security confidentiality' claims in an effort to shield the government from embarrassment – underscores the urgency of this task.

However, I would argue that a truly comprehensive agenda for reform must move beyond the level of formal review and oversight bodies and recognize the vital accountability role played by those institutions that protect and facilitate the public's right to know.

At the federal level, this quasi-constitutional right is enshrined in the *Access to Information Act*, the purpose of which, according to the Supreme Court, is to "facilitate democracy" by helping to ensure both: "that citizens have the information required to participate meaningfully in the democratic process" and "that politicians and bureaucrats remain accountable to the citizenry".[2] The *Act* itself recognizes that, save for limited and specific exceptions, "information in records under the control of a government institution ... should be available to the public".

Information obtained under the *Access to Information Act* features prominently in investigative reporting and research on national security issues. While they are certainly no replacement for effective review and oversight bodies, Access to Information (ATI) requests, when they are effective, can produce the kinds of records – emails, memoranda, internal reports, budget estimates, and raw electronic data – that shed light on the inner workings of the national security field. In some cases, documents obtained through ATI requests play a key role in informing and jump-starting public debate about a given area of security policy or case of individual or systemic misconduct. This process can facilitate a different *kind* of accountability – less organized, but more direct – than that achieved by post-hoc reviews, formal investigations, and reports to Parliament. It also allows us to scrutinize the activities of and between departments and agencies that may fall outside the purview of one of the bodies that make up the formal national security accountability archipelago. Information from ATI requests featured prominently in the lead-up to the Arar Inquiry, in the more recent campaign to repatriate Abousfian Abdelrazik and uncover the role played by Canadian officials in his detention and blacklisting, and of course in the genesis of the still-unfolding Afghan detainee scandal.

Unfortunately, despite the important revelations that have emerged from ATI research on national security issues, it is clear that the public's right to know is routinely being outmaneuvered by the power to protect and entrench secrecy, even if that entrenchment violates the *Access to Information Act*.

The *Act* itself is outdated, having changed little since its introduction in 1983. It lacks a meaningful compliance enforcement mechanism, has not been modernized in response to the massive changes in information management and governance that have taken place since its inception, and has large and well-recognized loopholes that facilitate the sheltering of information from scrutiny through various redaction and exemption clauses, some of which are directly related to the protection – and overprotection – of national security confidentiality.[3]

The federal ATI system is also undermined by instances of political interference. In some cases, the implications of unwanted scrutiny are deemed to be so worrisome that instructions are given to government personnel to avoid producing paper trails in the first place – as diplomat Richard Colvin testified took place when he was attempting to alert DND and DFAIT officials of the likelihood that transferred Afghan prisoners were being tortured.

These problems are tied to an overarching government culture of secrecy that views transparency as a threat to its power, contributing to what Michael Welch refers to as a 'state of impunity', in which the agents that hold chief responsibility for wrongdoing cannot effectively be called to account for their

actions.[4] The culture of secrecy is a 'whole of government' problem, but it is particularly acute in those institutions that have national security as a core component of their mandate. There, the reflexive, self-protecting opacity of any bureaucracy is coupled with the doctrinal shroud of secrecy that accompanies security and intelligence activities.

Above and beyond these barriers to access, the federal ATI system is simply bogged down by systemic delays and backlogs, meaning that requests are routinely met with farcical extension notices. In cases where information is sought for the purposes of ensuring accountability or informing participatory democracy, access delayed is access denied. As a frequent user of the *Act,* I have found systemic delays to be both the single most significant barrier to ATI research on issues related to national security and a problem that emerges naturally from the disconnect between the scope of access law and the structure of the contemporary national security field.

By way of illustration, consider the following example:

In the wake of the December 14 2009 decision by the Federal Court to strike down the security certificate against Hassan Almrei, then-Public Safety Minister Van Loan stated that a sweeping review of the certificate program was underway. [5] This was the latest in a series of Federal and Supreme Court decisions that have left the certificate regime discredited, in a state of constant flux, and teetering on the edge of collapse.

The status quo is untenable, and it would come as a surprise if the sweeping review mentioned by the Minister did not include recommendations for an equally-sweeping overhaul of the mechanism. Given that the government is steadfastly maintaining its position with the three remaining cases – including the case of Mohamed Harkat, which is currently before the Federal Court – it would be interesting to know whether this front-stage stubbornness is hiding a back-stage discussion that has already conceded the inevitable demise of the current framework and is thinking several steps ahead.

Indeed, one could argue that such information is essential to the conduct of a timely and informed public dialogue about this controversial area of national security policy.

Following the Minister's remarks, I filed an Access to Information request with Public Safety Canada for records related to the review of the security certificate mechanism. After the usual back-and-forth with the analyst tasked with handling my file, the final request read: "All documents and records prepared by Public Safety Canada related to the evaluation of the Security Certificate Initiative (final versions or last drafts if final versions of documents are not available). Date range: May 2009 – January 4, 2010".

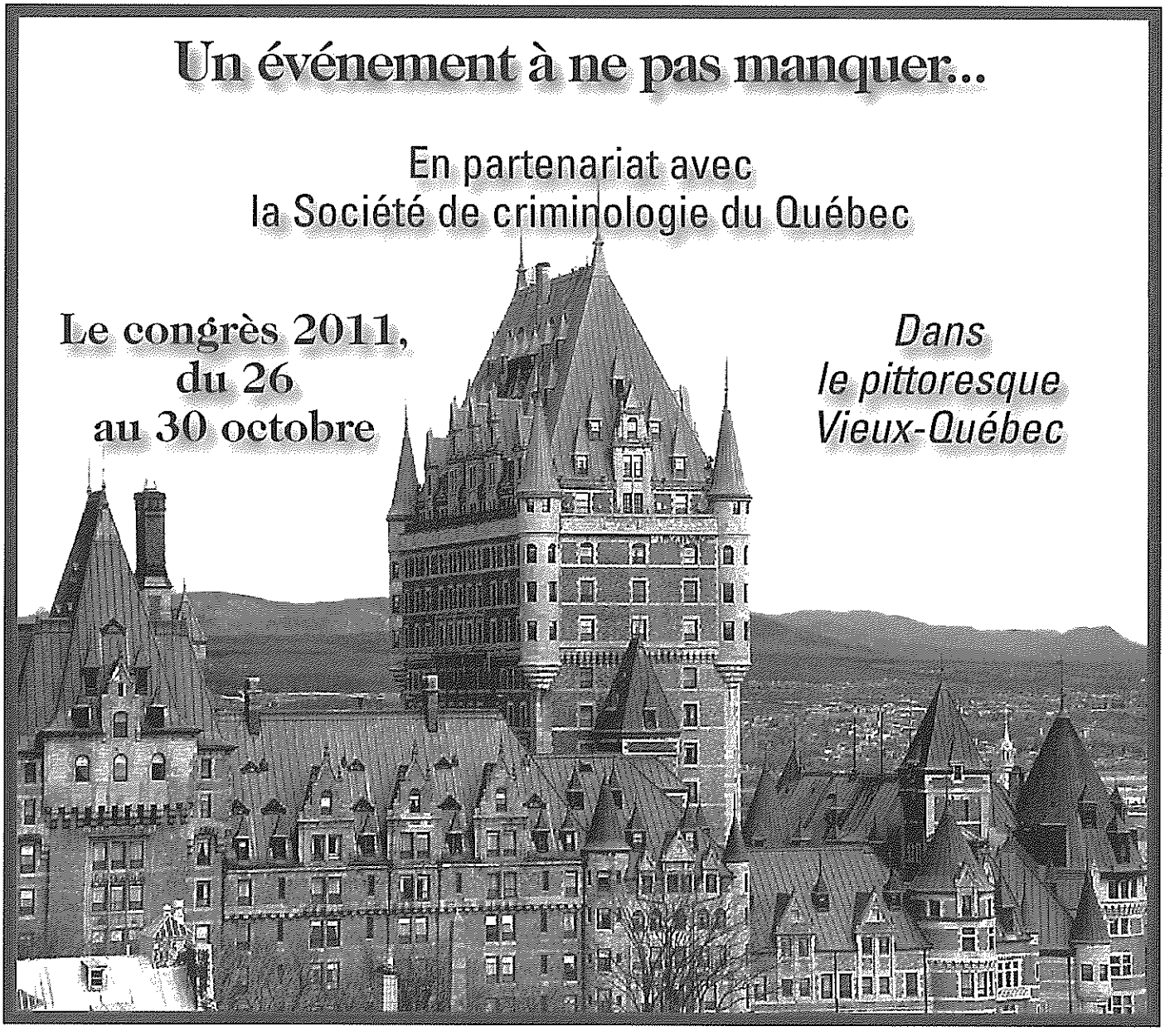
In early February 2010, I received a letter stating that, "Pursuant to paragraphs 9(1)(a) and (b) of the *Act*, an extension of 510 days beyond the statutory time limit is required to process this request as meeting the original time limit would unreasonably interfere with the operations of the department due to the large number of records involved in the processing of your request. The extension is also required in order to conduct consultations outside the Department. The revised date for responding to your request is June 28, 2011."

So much for facilitating a timely and informed public dialoge, then.

A formal complaint to the Office of the Information Commissioner about this unreasonable delay would initiate a lengthy process of investigation and arbitration. Alternatively, I can abandon the request and re-file a narrower, less ambitious one. Either way, by the time the process runs its course, the hearing in Mohamed Harkat's case will have concluded, and the debate about certificates will have moved on. Meanwhile, the results of the review will be released when and how the executive branch of government sees fit, and then only in the context of a carefully managed public relations package.

The integrated nature of contemporary Canadian security practices make them resistant to effective public scrutiny using the *Act*, and susceptible to the heavy-handed use of the s. 9.(1)(b) extension provision for the purpose of consultations with other government departments or external entities. The *Act* functions best when the records being sought are produced by and under the control of a single respondent. Where multiple entities are involved in a given activity, the responding agency can consult with each of them with regards to the vetting of records, adding to the total request processing time.

As a matter of course, contemporary security agencies engage in formal and informal collaborations, information-sharing, joint investigations, intra- and inter-governmental working groups, and one-off service arrangements governed by memoranda of understanding. This means that those who attempt to investigate a collaborative policy or practice will inevitably encounter lengthy consultation-related delays – 510 days (17 times the statutory time limit) to use the example above. Security certificates are a perfect illustration of this, as they are



operated by a host of departments and agencies – CSIS, the CBSA, CIC, CSC, the RCMP, Public Safety Canada, the Department of Justice, etc. – engaged in enforcement, monitoring, and legal activities.[6] Actually figuring out how this network of agencies fits together is a complicated task that involves piecing together disconnected bits of information, making it difficult to get an up-to-date sense of the big picture – Hence the importance of gaining timely access to top-down evaluations and reviews through ATI research.

In many ways, both the Access to Information system and the archipelago of formal national security review and oversight bodies face the same problem: they seek to use an outdated and overly-rigid legal and institutional framework to impose a measure of accountability on an evolving and networked governmental field. Moving forward, it seems unlikely that the federal policy agenda for the near future will take seriously Commissioner O'Connor's argument that "it is important to have available a mechanism that can accomplish review of multiple agencies when the activity being reviewed involves multiple agencies". [7] Even if the next two years bring us an effective new RCMP review body, it will emerge into an unintegrated and patchwork accountability field that is shaped by Ottawa's culture of secrecy.

Bearing this in mind, and taking into account the lessons learned from the last decade of scandals, it seems reasonable to adopt the position that formal review and oversight bodies are a necessary – but not sufficient – part of the broader national security accountability equation. Work towards meaningful reform in this area needs to incorporate the modernization of the *Access to Information Act* as a central agenda item, and to look for allies in the right to know and open government movements. Perhaps allies could also be sought on Parliament Hill, where MPs from the opposition majority have recently found their own efforts to get to the bottom of the Afghan detainee transfer debacle stymied by delays, obfuscation and the release of stacks of blacked-out records.

Sometimes the publication of a handful of partially-redacted documents can act as a more effective catalyst for immediate action than the submission of a detailed report. This remains the case despite all of the well-recognized barriers to access that are currently in place. Arguably, implementing a number of targeted access to information reforms – such as introducing a compliance enforcement mechanism and setting enforceable upper limits on delays and time extensions – would do more to qualitatively enhance national security accountability in Canada than a handful of earnest adjustments to specialized review and oversight bodies.

[1] See *A New Review Mechanism for the RCMP's National Security Activities* (http://www.sirc-csars.gc.ca/pdfs/cm_arar_rcmpgrc-eng.pdf) and *Accountability in and for National Security* (http://www.irpp.org/choices/archive/vol15no9.pdf).

[2] Dagg v. Canada (Minister of Finance), [1997] 2.S.C.R. 403 (http://csc.lexum.umontreal.ca/en/1997/1997scr2-403/1997scr2-403.html).

[3] For additional material on the systemic issues facing the federal Access to Information regime, see the Annual Reports of the Office of the Information Commissioner of Canada (http://www.oic-ci.gc.ca/eng/rp-pr_ar-ra.aspx), the comparative study "Fallen Behind: Canada's Access to Information Act in the World Context", by Stanley L. Tromp (http://www3.telus.net/index100/report), and Alasdair Roberts' 2006 book Blacked Out: Government Secrecy in the Information Age (http://www3.cambridge.org/us/catalogue/catalogue.asp?isbn=0521858704).

[4] Michael Welch, *Crimes of Power and States of Impunity: The U.S. Response to Terror* (New Brunswick: Rutegers University Press, 2009) (http://rutgerspress.rutgers.edu/acatalog/Crimes_of_Power_and_States_of_Impunity.html).

[5] There are actually two reviews underway at present. The first is an evaluation of the 'Certificate Initiative', the name given to the 2008 allocation of funds "to support the implementation of the new provisions in the Immigration and Refugee Protection Act pertaining to the protection/disclosure of classified information in immigration processes". The second is a more comprehensive policy analysis and development process that is evaluating the security certificate mechanism in general, and is taking place through the collaboration of an "Interdepartmental Working Group on Alternatives to Removal".

[6] For more on this complex set of relationships, and on the problems it poses, see Mike Larsen and Justin Piché, "Exceptional State, Pragmatic Bureaucracy and Indefinite Detention", *Canadian Journal of Law and Society* 24(2) (2009), 203 (http://muse.jhu.edu/journals/canadian_journal_of_law_and_society/summary/v024/24.2.larsen.html).

[7] See A New Review Mechanism ..., note 1 (at p. 479).

Random Breathalyzer Testing (RBT) and Charter Rights

By Jasna Drnda

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It is undeniable that, as with most criminalized behaviour, impaired driving offences have devastating effects on individuals and society. Although no announcement has been made that the federal government intends to introduce random breathalyzer testing (RBT) legislation, the Minister of Justice has recently voiced his support for amending the Criminal Code to expand police officers' powers to arbitrarily and randomly stop vehicles and conduct breath tests on motorists, without any reasonable suspicion or reasonable and probable grounds. In light of the protections afforded to each individual by the Canadian Charter of Rights and Freedoms, civil rights must be considered and balanced with this legitimate societal concern.

Police officers are granted power, under both provincial and territorial legislation, to stop a vehicle in order to check its condition, the driver's licence, and the driver's condition (including sobriety).[1] Provincial law, more specifically section 216 of the *Highway Traffic Act*[2] (hereafter, H.T.A.), grants police officers the power to stop vehicles. The Supreme Court of Canada has, on several occasions, legitimized police officers' abilities to conduct random traffic stops. The advent of the Reduced Impaired Driving Everywhere (R.I.D.E.) program led to many challenges to its constitutionality. The 1985 case of *R. v. Dedman* upheld the constitutionality of the R.I.D.E. program. The foremost legal issue in this case was whether police officers had the legal authorization and power to pull over an individual randomly, without reasonable and probable grounds for believing that the driver had committed an offence under provincial or federal statute. In a very close 4-3 split, the Supreme Court held that police power to conduct R.I.D.E. programs was lawful at common law, although silent in both the Criminal Code of Canada and the H.T.A.[3] The dissent in this case took issue with the fact that such an extensive power was not afforded to police officers through legislation. In *R. v. Ladouceur,* the Supreme Court of Canada held the section under the H.T.A. providing random stopping power to police officers as constitutionally sound.[4] It was conceded that the provision did violate sections 8 (unreasonable search or seizure) and 9 (arbitrary detention and imprisonment) of the Charter, therefore the focus of analysis was whether it was demonstrably justified in a free and democratic society pursuant to section 1. The court held that the provision would be saved under s. 1 for reasons of public safety. Check stops were held to be "reasonable" for

Section 1 purposes because they are relatively non-invasive. The majority emphasized that deterrence is the critical aspect of random routine checks, but this was qualified by the fact that any "more intrusive procedures could be undertaken only upon reasonable and probable grounds."[5] Furthermore, the court did address the issue of the potential for abuse of this power by law enforcement officials, concluding that officers can only stop vehicles for legal reasons related to driving a car (checking driver's licence and insurance, sobriety of driver and mechanical fitness of vehicle), and once the car has been stopped, only questions relating to driving offences may be posed.[6] Any more intrusive procedures were to be undertaken based upon reasonable and probable grounds.[7] Although some may view *Ladouceur* as authority that may support the constitutionality of RBT, it is necessary to keep in mind that random breath testing is a significantly more intrusive procedure than the one at issue in this case, and it is undertaken arbitrarily. It seems fruitless to expand legislation in terms of making it more intrusive on Canadians' privacy rights, when there is plenty of leeway provided to officers when regulating this activity.

The randomness of this procedure is the underlying issue, and is of most cause for concern in relation to civil liberties and Charter rights. Interestingly, it is also one of its most alluring aspects in regards to its intended consequence: people will be deterred from drinking and driving because anyone can be stopped at any time, and at any place. The rationale behind RBT is that many of the current offenders who are hard-core drinkers are able to conceal their intoxication due to years of practice and tolerance build-up, and also see nothing wrong with driving while under the influence. RBT would most certainly catch more people who are in no condition to drive. However, the violation of Charter rights by this procedure is obvious, certain and clear. Even supporters of RBT concede that Charter rights would be violated, however saving others from serious injury or death at the hands of an intoxicated driver is seen as a valid enough reason.

The first Charter violation that may be argued is section 7 of the Charter, which affords us all the right to life, liberty and security of the person. In the context of this proposed legislation, there is definitively a violation on a motorist's liberty because a court or other state agents of the criminal legal system can take it away. *Motor Vehicle Reference*[8] held that the right to liberty is affected whenever a criminal prohibition carries the potential for incarceration. Furthermore, an individual's right to security of the person includes bodily security. This right is compromised with the proposed legislation, seeing as a breath test is a violation of our right to control our own bodily integrity without state interference.

The second violation that may be argued is section 8, affording our rights to be secure against unreasonable search or seizure. Demanding a breath sample from a motorist who a state agent does not have reasonable grounds to believe has been drinking is an unreasonable search and seizure of their bodily substance.

The final violation that may be argued is section 9, whereby everyone has the right not to be arbitrarily detained or imprisoned. The essence and appeal (to some) of this procedure is arbitrariness: arbitrary stopping (i.e. being detained) and arbitrary breath testing. Therefore, section 9 would clearly be violated, seeing as motorists would be randomly stopped and detained for the duration of a breath test. "Detention" is also the point where subsidiary rights are triggered, namely the right to counsel and the right against self-incrimination.[9] The fact that an individual's liberty has been curtailed sparks the need for counsel, in order to ensure that the individual makes an informed and effective choice whether to cooperate with police. In the situation of a RBT, such a choice would not exist, and the rationale behind s. 9 protection (which is to circumvent the State's power over individuals' physical and mental integrity), would clearly be violated. Psychological constraint amounting

to detention has been recognized in situations where an individual has been demanded or directed to comply with something, such as a roadside breath test.[10] This determination in and of itself is proof that individuals must be protected from arbitrary and unreasonable State powers, such as in the case of RBT.

The criminal consequences attached to impaired driving offences have become increasingly stringent throughout the years. Impairs are covered by both provincial and federal legislation. A blood-alcohol concentration of 0.05 yields administrative sanctions under provincial law, such as licence suspension. A blood-alcohol concentration of 0.08 or higher yields Criminal Code sanctions. Under the Criminal Code, there are nine (9) distinct offences related to impaired driving specifically. It follows that this is an area of criminal law that has received considerable legislative attention, and is of considerable importance in Canadian society. Criminal code amendments which have facilitated this have largely been influenced by non-profit organizations such as Mothers Against Drunk Driving (MADD), who are rightly concerned with the public's safety on Canadian roads. As with most constitutional issues, the majority of the arguments and disagreements are likely to fall under section 1 of the Charter analysis, where a balancing act must be done in order to decide whether the violation of an individual's rights are warranted in the big picture (i.e. general societal welfare). Statistics Canada's findings on rates and effects of impaired driving in Canada raises questions about the necessity of even more restrictive legislation such as the one considered here. In 2002, the rate of police-reported impaired driving offences decreased by 4 per cent, which is consistent with the steady decline during the last 20 years.[11] Interestingly, the authors of this study found that, although there has been a drop in impairs, alcohol consumption over the last decade has remained unchanged.[12] Turning to the devastating effects of impaired driving, statistical analysis shows that fatalities have been reduced by more than half over the past 16 years, declining from 2.4 to 1.0 per 100,000 in 2001 and 2002.[13] Trend data that was analyzed in this study showed that the decline in impairs began before the restrictive laws came into force. This evidence suggests, therefore, that there is little correlation between laws and altering behaviour. In light of this information, it is disconcerting that our politicians keep pushing rights-restricting legislation where there appears to be no conclusive evidence that they really make a difference. Furthermore, it is difficult to see the rationale for this potential legislation seeing as it only targets drivers impaired by alcohol, and not drugs.

Passing such legislation can certainly lead down a slippery-slope, where peoples' rights against arbitrary detention and unreasonable search and seizure will be compromised in other situations. If drivers can be stopped randomly and be required to provide breath samples to police officers, why should the police not be able to randomly stop people, for example, young people coming out of clubs at 2 a.m., and search for guns and other weapons? A quick pat down would certainly take no more time than taking a breath sample, and the rationale would be the same: the potential to save others from serious injury or death. A very troubling aspect of RBT, or the parallel example provided, is who will be the target. Such invasive and arbitrary procedures leave the door wide open for racial profiling, and stereotyping based on age, ethnicity and/or nationality.

The rationale underlying Canada's impaired driving legislation is based on scientific evidence, which proves that alcohol does in fact impair an individual's ability to drive. Similar evidence for other drugs is lacking or inconclusive. Even so, Australia (which has enacted RBT), appears to be moving toward testing for other drugs besides alcohol. If RBT is being contemplated as a solution to battle impaired driving in Canada, it is not far-fetched to believe that we may end up

following in the footsteps of Australia. Although it is logical that drivers should not be taking drugs before driving, our Charter-influenced legal regime should not be based on speculation as to the effects of these drugs.

Both proponents and opponents of this legislation must concede that impaired driving is a live issue, and is one that is extremely dangerous and pressing. The notion that one individual, under the influence of drugs and/or alcohol, is operating a machine which could destroy and take the lives of innocent others is disturbing. That is why our elected representatives must look to data and trends when deciding legislation, and not mere "tough on crime" rhetoric that will guarantee re-election. The lives of Canadians quite literally hang in the balance. Public awareness and education is a solution which is likely, at least partially, to contribute to the decrease in rates of impaired driving. We live in a country where human rights and civil liberties are not only available, but they are guaranteed under our Constitution. Guaranteed Charter rights cannot be justifiably withheld or violated when a law allowing for such a breach stands on very shaky reasoning.

1 Standing Committee on Justice and Human Rights (2009). "Ending Alcohol-Impaired Driving: A Common Approach": Report. Ottawa: House of Commons.

2 Highway Traffic Act, R.S.O. 1990, Chapter H. 8.

3 *R. v. Dedman,* [1985] 2 S.C.R. 2.

4 *R. v. Ladouceur,* [1990] 1 S.C.R. 1257.

5 *ibid.* at para. 60.

6 *ibid.*

7 *ibid.*

8 *Reference re Section 94(2) of the Motor Vehicle Act,* [1985] 2 S.C.R. 486.

9 *R. v. Grant,* [2009] 2 S.C.R. 353 at para. 22.

10 *ibid.* at para. 30.

11 Statistics Canada, *Impaired Driving and Other Traffic Offences* by D. Janhevich, M. Gannon & N. Morisset (Ottawa: Canadian Centre for Justice Statistics, 2002).

12 *ibid.*

13 *ibid.*

Alberta's Mental Health Workshop: Increasing Awareness, Decreasing Stigma

By Linda Lai and Catherine Williams,

Research Officers, Alberta Justice

In March, the Alberta Criminal Justice Association (ACJA), in partnership with the Mental Health Commission of Canada, convened a one-day workshop titled "*Mental Health on the Frontlines of Justice*" in both Calgary and Edmonton. The workshop was designed to bring together professionals, researchers and students across all sectors, for discussion and exploration of issues and solutions concerning mental health and the criminal justice system. Apart from the opening speaker, the same program was delivered in both cities.

In Calgary, the workshop was kicked off by Chief Rick Hanson of the Calgary Police Service. In his presentation, he lamented the changes that have occurred in our communities over the past 15-20 years in terms of dealing with the mentally ill. The closing of mental health facilities and the reduction in mental health beds has led to a drastic increase in the numbers of mentally ill individuals living on the streets, in shelters and in our communities. Chief Hanson put forth a call for a "new approach" to the management of the homeless and the mentally ill. Recognizing the number of mentally ill and addicted people involved in the justice system, he advocated support for a specialized institution that will offer treatment services to drug addicts and the mentally ill, as part of the sentence by the courts. In his closing remarks, Hanson saluted the work of Homeless Foundations, the Calgary Pathways program for the homeless and the PACT teams, made up of police and mental health workers which offer support to the mentally ill.

The next morning in Edmonton, Deputy Chief Judge Allan Lefever of the Provincial Court of Alberta delivered his keynote address to a sold out crowd. Using real case studies from his courtroom, Judge Lefever challenged the audience to question whether conventional sentences are effective when dealing with mentally ill individuals who have been charged with minor offences. As Judge Levfever explained, the development of specialized courts like the Mental Health Diversion Court program in Calgary and Edmonton are designed to address issues faced by mentally ill offenders which in the past, have not been effectively met with the traditional justice system. This therapeutic style of jurisprudence provides a dignified and compassionate approach to dealing with mentally ill accused persons. In Judge Lefever's closing, he stressed the importance of early intervention in mental health,

addictions and social problems through a multidisciplinary approach to help reduce the "revolving door" phenomena.

The belief that all mentally ill people are dangerous, unpredictable and violent is still widely accepted, and reinforced when cases like the Greyhound Bus tragedy occur. In his keynote address, "Stigma and Other Barriers to Treatment", Dr. Patrick Baillie, forensic psychologist at the Peter Lougheed Centre of the Calgary General Hospital, argued that such stigmatizations hold little truth. In fact, unless under the influence of psychosis or substance abuse, individuals with mental illnesses are no more physically dangerous to others than are members of the general population. The lack of understanding of mental illness can have serious consequences. Such misconceptions about mental disorders may lead people to become embarrassed about their condition, potentially preventing them from seeking help. Dr. Baillie also reminded the audience that we must not forget about those who work on the frontlines. The misconception that professionals are immune from the stresses and situations of their work can be detrimental to their well-being. Dr. Baillie brought home the message that we must break the stigma that having a mental health problem is a sign of weakness and, instead, create a supportive forum whereby people can start discussing the issues that they face.

The last keynote address of the morning, "*Mental Health in Court*", was presented by the Honourable Justice Richard Schneider of the Ontario Court of Justice. As a presiding Justice for the Mental Health Court in Toronto, Justice Schneider knows all too well the unique challenges that mentally ill individuals face when they are entangled in the criminal justice system. Beginning his presentation with a brief summary of the mental health court in Toronto, Justice Schneider highlighted the successes of the court at creating effective interactions between mental health and criminal justice systems, increasing access to mental health services, and reducing the recidivism rates faced by many mentally ill offenders. On the other hand, Justice Schneider argues that Mental Health Courts are not a panacea but are only a short term fix to a long term problem. To address the issues of mental illness, we need to re-examine the mental health care system and stop working in silos. If we want to bring about system-wide improvements, innovative and collaborative efforts are needed by everyone.

In the afternoon, conference attendees were treated to a hearty lunch and a second round of engaging and informative speakers. Vancouver based mental health consultant, counsellor and author David Granirer kicked off the afternoon with a presentation about his mental health recovery program, *Stand Up for Mental Health*. This innovative program, developed in 2004, teaches the fine art of stand up comedy to individuals with mental illness. Through a combination of mental health research, personal anecdotes and stand-up comedy, Mr. Granirer highlighted the positive effects the program had for his students, as well as for the audiences who watch his students perform. During the program's first year, 11 out of 15 students completed the program, meeting every week to hone their craft and support one another. Mr. Granirer has since set up a student alumni program and trains groups in Vancouver, Victoria, Courtenay, Chilliwack, Abbotsford, Fort Frances, Guelph, Ottawa, Toronto, Montreal and Halifax. For more information on this program, visit: http://www.standupformentalhealth.com.

The following presentation, "*Through Our Eyes*", was comprised of three mental health consumers who shared their lived experiences about mental health and the justice system. The first speaker, a therapist and facilitator with the Schizophrenic Society who has been diagnosed with schizophrenia, shared her experience of being taken by police to the Alberta Hospital. The speaker emphasized the importance of treating individuals in a mental health crisis with dignity and consideration in what is most likely a terrifying situation for them. The second speaker, who suffers from schizophrenia and anxiety, described her experiences cycling in and out of hospitals. She explained how she

could temporarily be quite lucid when she was in crisis, and highlighted the importance of comprehensive mental health training for front line professionals. The third presenter spoke about her daughter who has been diagnosed with paranoid schizophrenia. The speaker described her daughter's disappearances, frequent hospitalizations and encounters with police to illustrate how costly mental illness can be for the system when the right kind of care and support is not provided early on in the diagnosis.

The final speaker of the day was Michael Pietrus, the Communications Director for the Mental Health Commission of Canada and Director of the Commission's newly launched *Opening Minds* initiative. The Opening Minds initiative is working to educate Canadians about mental illness, eliminate discrimination and develop effective networks in the community to support individuals living with a mental health concern. Although this initiative is the largest anti-stigma initiative in Canadian history, it has a targeted approach, reaching out to engage youth and health care providers across the country in its first year. Mr. Pietrus also discussed the Commission's *Mental Health Strategy* and online *Knowledge Exchange Centre,* which will provide evidence-based information about mental health and mental illness and facilitate collaboration across the country. For more information about these initiatives, visit: http://www.mentalhealthcommission.ca.

Thus concluded another successful, exciting and educational ACJA workshop. Although the speakers had a variety of experiences and perspectives to share in the area of mental health in Canada, their message was consistent and urgent: we must develop a systematic approach to increase awareness and decrease stigma around mental health and mental illness in our communities. As a stakeholder in the justice system, change begins with you.

Writing for the Justice Report

The Justice Report is a regular publication of the Canadian Criminal Justice Association whose mission is to report on current issues in criminal justice. It showcases the activities of the Association's different regions and its committees; publishes research findings as well as opinions; and provides a space for the membership to discuss topics of current interest.

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Actualités-Justice est une publication régulière de l'Association canadienne de justice pénale dont la mission est de rapporter les sujets d'actualités en matière de justice pénale. Elle met en valeur les activités régionales de l'Association ainsi que le travail de ses comités; elle publie des recherches et des opinions des membres; et c'est un forum de discussion des sujets d'actualités.

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Actualités-Justice est publié quatre fois par année. Le prochain numéro sortira en août. SVP soumettre vos articles pour le 20 juillet, et les envoyer à c.delisle@rogers.com.

From the BCCJA's meeting that led to the creation of the Vancouver Island Branch

Left to Right, J. Braithwaite, K. Gregory, Rev. Munn, Volunteers – H. Johanassen, & M. Williams – J. Christian, & R. Brown

Left to Right, K. Gregory, Immediate CCJA Past President, Victoria Police Chief Constable J. Graham, & J. Christian President BCCJA

Chief Constable Jamie Graham, Victoria Police Department

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DIRECTORY OF JUSTICE SERVICES
RÉPERTOIRE DES SERVICES DE JUSTICE

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COMING EVENTS / PROCHAINS ÉVÉNEMENTS

(Published in the language submitted / Publiés dans la langue dans laquelle ils sont soumis)

2010

July 12 – 16 / du 12 au 16 juillet

37th ANNUAL NATIONAL CRIMINAL LAW PROGRAM

Join over 600 Crowns, defence counsel, judges and other criminal justice participants in spectacular St. John's, Newfoundland this summer for the Federation of Law Societies of Canada's 37th Annual National Criminal Law Program. This year's theme is Substantive Criminal Law, Advocacy and the Administration of Justice. Presented annually since 1974, the Program is Canada's largest, most prestigious criminal law conference. The faculty is comprised of the country's finest defence lawyers, Crown prosecutors and the judiciary, giving attendees a unique opportunity to benefit from the skills and knowledge of this premiere teaching team. Two volumes of printed material, written specifically for the Program, provide delegates with the most comprehensive, up-to-date criminal law resource materials available today. Receptions on Monday and Tuesday, and informal gatherings Thursday offer organized opportunities to socialize, forge new friendships and reconnect with colleagues from across the country. Don't miss this extraordinary must attend CLE and networking event. July 12 to 16, 2010. Register early. Enrolment is limited. For the Program brochure visit
http://www.flsc.ca/en/pdf/NCLP2010Brochure.pdf
or the Federation's website at www.flsc.ca.
Theme / thème: "Substantive Criminal Law, Advocacy and the Administration of Justice"
Place / endroit: St. John's, Newfoundland
Information / renseignements:
http://www.flsc.ca/en/pdf/NCLP2010Brochure.pdf or www.flsc.ca

July 30 – August 4 / du 30 juillet au 4 août

140th CONGRESS OF THE AMERICAN CORRECTIONAL ASSOCIATION

Place / endroit: Chicago, Illinois
Information / renseignements:
http://www.aca.org/Conferences/Summer2010/home.asp

September 19 – 22 / du 19 au 22 septembre

2010 INTERNATIONAL CONFERENCE ON SPECIAL NEEDS OFFENDERS

Theme /thème: "Striving Toward Excellence: Treatment of Special Needs Offenders in Prisons, Forensic Psychiatric Units and the Community
Place / endroit: Niagara Falls, Canada
Information / renseignements: http://www.prestoregister.com/cgi-bin/order.pl?ref=etownson&fm=5

October 5 – 7 / du 5 au 7 octobre

2010 CANADIAN ASSOCIATION FOR SUICIDE PREVENTION CONFERENCE

The Canadian Mental Health Association – NS Division & NS Department of Health Promotion & Protection, hosts of the 2010 Canadian Association for Suicide Prevention Conference: *Communities Addressing Suicide Together,* are pleased to announce that the Call for Abstracts is now open!
We invite communities, survivors, community-based practicioners, clinicians, researchers and policy-makers to submit an abstract that focuses on innovative and promising practice in addressing suicide. The guidelines and submission form for the Call for Abstracts are available on the conference website at www.suicideprevention.ca/2010
The conference will take place at Alderney Landing Cultural Centre on the Dartmouth waterfront in Halifax, Nova Scotia from October 5-7, 2010. Registration is open. Please note that seats are limited – we encourage you to register early!
Angela Davis & Julian Young
Conference Co-Chairs
1 (877) 466-6606
Casp2010@eastlink.ca
Theme / thème: "Communities Addressing Suicide Together"
Place / endroit: Halifax, Nova Scotia
Information / renseignements:
www.suicideprevention.ca/2010

Canadian Criminal Justice Association

Association canadienne de justice pénale